

MAUMEE CITY SCHOOL DISTRICT

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July 19, 2004

Request for Review and/or Request for a Waiver
Federal Communications Commission
Office of the Secretary
445 – 12th Street, SW
Washington, DC 20554

RE: SLD Form 471 Rejection and Subsequent Appeal Denial

CC Docket No. 02-6

Administrators Decision on Appeal Dated: June 1, 2004
Funding Year: 7/1/2004 – 6/30/2005
Billed Entity Name: Maumee City School District
Billed Entity #: 129283
Form 471 Application #: 433796

Contact: Marc Brown
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SLD Decision: "The Form 471 submitted is not the correct, OMB-approved Form 471, with a date of October 2002 or later in the lower right hand corner of the form."

To Whom It May Concern:

We are requesting an appeal of the SLD's decision to reject the Form 471. The content of the form submitted contains the identical requests for information as the form referenced above and all substantive information is present. The form we used was an OMB approved form dated 2000 and differs only by minor format appearance changes, each page requests the same information in the same order with the same numbering scheme as the form referenced in the SLD decision. In addition, the version of Form 471 that was submitted was the same version of the form we submitted in the prior year and was subsequently accepted by the SLD. Since all other criteria for submittal have been met, we find the decision to reject the submittal based on a date in the bottom footer of the document to be unwarranted and excessively punitive to the district.

In preparing the Form 471, we followed the "Specific Instructions - Section IV" contained on the Schools and Libraries website for completing Form 471's and nowhere in the "Specific Instructions" does it reference using a specific version of the Form 471. Also, no mention of using a specific version of the Form 471 is contained in "Reminders - Section V" which follows the Specific Instructions Section. We have included a copy of the "Specific Instructions" and "Reminders" sections as an attachment.

Following SLD notification of the Form 471 rejection, we immediately transferred the information to a Form 471 with a date of November 2003 in the lower right hand footer. The information requested was identical and transferred directly into the new form without any modifications. The Form 471 was then re-submitted to the SLD. We have included the originally submitted Form 471 and the Form 471 with a date of November 2003 in the lower right hand footer for your review.

In conclusion, we are requesting the FCC to overturn the SLD's decision because all of the required information was received by the SLD in the proper order on an OMB approved SLD form within the filing window. The arbitrary decision to reject the Form 471 based on a date in the bottom footer of the form should be overturned as this is a cosmetic issue that has no bearing on the actual substantive content of the document, is unwarranted and excessively punitive to the district. There is no legitimate rationale to not accept the original submittal. Our original Form 471 submittal was received by the SLD well in advance of the February 4, 2004 deadline and we are requesting that the District's Form 471 application be accepted and classified as "Certified - In Window".

Request for Waiver

Should the FCC not be able to overturn the SLD's decision, we respectfully request that a waiver be granted, allowing acceptance of the Form 471. A waiver would acknowledge that the facts in this case do not merit the punitive decision made by the SLD. We believe a waiver would be in the best interest of the public and better serve the spirit of the erate program while upholding the goals of erate to provide universal equity. The District has diligently complied with the erate filing intricacies since the initiation of the program and it is not appropriate that such important funding be denied due to an insignificant cosmetic form technicality. Your consideration of this matter as a steward of justness is sincerely appreciated.

Please contact us if you have any questions or require any further documentation.



Authorized Person - Paul Brotzki
Treasurer
419-893-3200

Attachment: Originally submitted Form 471
Completed Form 471 with date of November, 2003 in the lower right hand corner
Copy of USAC "Section IV Specific Instructions" for completing Form 471